

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-1087

\$88,029.08, MORE OR LESS,  
IN UNITED STATES CURRENCY,

Defendant.

(Katherine Anne Hoover, M.D. and  
John F. Tomasic;  
No pending federal criminal charges)

UNITED STATES RESPONSE TO "REQUEST FOR AN ORDER REGARDING  
IN PERSONAM JURISDICTION OVER JOHN F. TOMASIC AND HIS MONEY"

Comes now the plaintiff, United States of America, by counsel, Betty A. Pullin, Assistant United States Attorney for the Southern District of West Virginia, and responds to claimants' Request (Doc. 110) as follows:

1. This civil forfeiture action is an action in rem, that is, it is an action against property, and the property consists of \$85,127.08, more or less, seized on March 2, 2010, from claimants' Wesbanco Checking Account No. XXXXXX7905 pursuant to a federal seizure warrant, and \$2,902, more or less, in United States currency seized, pursuant to a federal search warrant, from Dr.

Hoover's bedroom in a house belonging to another doctor in Williamson, West Virginia. (Doc. 1, paragraphs 2(A) and (B)).

2. As previously addressed on multiple occasions in this civil action, the district court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1345, 21 U.S.C. § 881(a)(6), 18 U.S.C. § 983(a)(3)(A) (Doc. 93). Since the United States Marshals Service has executed the Warrant of Arrest in rem on the defendant currency, the court likewise has in rem jurisdiction over the currency (Doc. 3, 4).

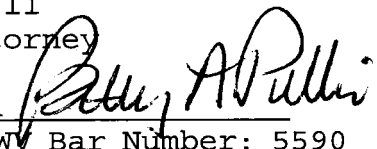
3. The Wesbanco checking account XXXXXX7905 was a jointly held account by Dr. Katherine Hoover and John F. Tomasic. On September 28, 2010, the United States sent Notice of this forfeiture action to Dr. Hoover and Mr. Tomasic to multiple addresses associated with them (Doc. 5). Thereafter, starting on October 18, 2010, and continuing throughout the litigation of this case, Mr. Tomasic has filed numerous documents in this forfeiture action to assert claims he has in the defendant currency. (Doc. 9 (stricken), 15, 20, 29, 46, 50 (to identify just a few)). Mr. Tomasic has submitted himself to the jurisdiction of the court by filing claims and other pleadings in this case. 18 U.S.C. § 983(a)(4)(A). It is sufficient that the Court has in rem jurisdiction over the property for it to also have the ability to resolve claims that individuals are asserting to that property.

WHEREFORE, for the foregoing reasons, the United States respectfully requests the court to deny claimants motion for an order finding no in personam jurisdiction over Mr. Tomasic or his alleged property.

Respectfully submitted,

UNITED STATES OF AMERICA  
By Counsel

R. BOOTH GOODWIN II  
United States Attorney

By: s/Betty A. Pullin   
Betty A. Pullin, WV Bar Number: 5590  
Attorney for the United States  
United States Attorney's Office  
300 Virginia Street, East, Room 4000  
Charleston, West Virginia 25301  
Telephone: (304) 345-2200  
Fax: (304) 347-5440  
Email: [betty.pullin@usdoj.gov](mailto:betty.pullin@usdoj.gov)

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-1087

\$88,029.08, MORE OR LESS,  
IN UNITED STATES CURRENCY,

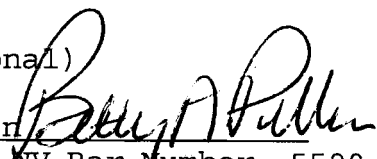
Defendant.

(Katherine Anne Hoover, M.D. and  
John F. Tomasic;  
No pending federal criminal charges)

CERTIFICATE OF SERVICE

I hereby certify that the "UNITED STATES RESPONSE TO 'REQUEST FOR AN ORDER REGARDING IN PERSONAM JURISDICTION OVER JOHN F. TOMASIC AND HIS MONEY'" was electronically filed with the Court and served on the following this 26th day of September, 2011:

Katherine Anne Hoover, M.D. and  
John F. Tomasic  
c/o Norman Gay, M.D.  
247 West Bay Street  
Nassau, N.P. Bahamas  
(via Federal Express International)

By: s/Betty A. Pullin   
Betty A. Pullin, WV Bar Number: 5590  
Attorney for the United States  
United States Attorney's Office  
300 Virginia Street, East, Room 4000  
Charleston, West Virginia 25301  
Telephone: (304) 345-2200  
Fax: (304) 347-5440  
Email: [betty.pullin@usdoj.gov](mailto:betty.pullin@usdoj.gov)